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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,298	08/27/2003	Sachin Desai	FORT-002900	6671
64128 7590 08/22/2007 HAMILTON DESANCTIS & CHA Michael A. DeSanctis 756 HARRISON ST. DENVER, CO 80206			EXAMINER VIANA DI PRISCO, GERMAN	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 08/22/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/650,298	Applicant(s) DESAI ET AL.	
	Examiner German Viana Di Prisco	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2003.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                 | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 a reference is made to a "single processing resource", but in claim 5 a "second processing resource" is mentioned. The Examiner will consider the "single processing resource" of claim 1 as a first processing resource.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

4. Claims 1,2,5,6,9-15, 18 and 19 are rejected under U.S.C. 102(e) as being anticipated by Tofano (United States Patent No.: US 6,625,169 B1).

Consider claim 1, Tofano clearly shows and discloses a method to bridge network packet media, comprising: receiving a first network packet from a first media channel via a first network interface 222 (figure 5 and column 13 lines 32-35); receiving a second network packet from a second media channel via a second network interface 223(figure 5 and column 13 lines 32-35); relaying the first network packet and the second network packet to a single processing resource 228(figure 5 and column 13

lines 19-22); and using an application accessible to the single processing resource to bridge the first network packet to the second media channel via the second network interface and the second network packet to the first media channel via the first network interface (column 13 lines 23-26, column 15 lines 47-56 and column 16 lines 4-7) .

Consider claim 2 and as applied to claim 1 above, Tofano clearly shows and discloses the first media channel being a different media channel from the second media channel (figures 1 and 2 and column 8 line 55 – column 9 line 54).

Consider claim 5 and as applied to claim 1 above Tofano clearly shows and discloses the application relaying at least one of the network packets to other applications accessible to a second processing resource (first and second processing means are operable connected – hence, working together and sharing information) in order to assist in bridging between the media channels (one performs data format translations while the other assists in switching data) (figure 5 and column 39 lines 38-49).

Consider claim 6 and as applied to claim 1 above, Tofano clearly shows and discloses a virtual bridge application accessible to the processing resource to bridge between the media channels (a software program provides intelligent and transparent exchanges between different network formats, essentially providing a virtual bridge)(column 13 lines 27-32).

Consider claim 9, Tofano clearly shows and discloses a method to bridge network packet media, comprising: receiving a first network packet associated with a first media format (figure 5 and column 13 lines 32-35; receiving a second network

packet associated with a second media format (figure 5 and column 13 lines 32-35); and accessing a translation data structure accessible to a single network resource in order to translate the first network packet from the first media format to the second media format(column 13 lines 23-26, column 15 lines 47-56, column 16 lines 4-7 and column 22 lines 60-67).

Consider claim 10 and as applied to claim 9 above, Tofano discloses accessing the translation data structure (column 22 lines 60-67) to translate the second network packet from the second media format to the first media format (column 12 lines 43-46 and column 13 lines 23-50).

Consider claim 11 and as applied to claim 9 above, Tofano discloses receiving the first and second network packets, the network packets are each received from different network interfaces, where each network interface is associated with a different media channel (column 13 lines 3-8).

Consider claim 12 and as applied to claim 9 above, Tofano discloses receiving the first and second network packets, the network packets including Ethernet header data (network interfaces can incorporate an Ethernet module, inherently teaching the use of an Ethernet header) (column 18 lines 31-35).

Consider claim 13 and as applied to claim 9 above, Tofano discloses using a Graphical User Interface (GUI) application to configure the data structure to accept a plurality of media format translations (establish software switched transmissions or

software switched logical connections interfacing various networks and network formats)(column 22 lines 52-55 and column 31 lines 38-43).

Consider claim 14, Tofano clearly shows and discloses a network packet media bridging system, comprising: a plurality of network interfaces, wherein each network interface accepts network packets from a different media transmission channel (figure 3 and column 10 lines 62-67); and a bridging application that is accessible to a single processing resource for receiving the network packets from the network interfaces and for translating a number of the network packets between media formats for delivery to a number of the media transmission channels (column 13 lines 23-26, column 15 lines 47-56, column 16 lines 4-7).

Consider claim 15 and as applied to claim 14 above, Tofano teaches that bridging application is dynamically instantiated and configurable within the processing resource (by means of a GUI or by automatic software modules running in the processing resource)(column 31 lines 38-50).

16. The network packet media bridging system of claim 14, wherein the bridging application accesses metadata associated with the network packets, where the metadata is associated with the media formats of the network packets.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 3,4,16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tofano (United States Patent No.: US 6,625,169 B1) in view of Macera et al (United States Patent No.: 5,490,252).

Consider claims 3 and 4, and as applied to claim 1 above, Tofano discloses the claimed invention. However Tofano does not explicitly disclose the processing resource

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using metadata associated with each of the media channels to translate the network packets between the media channels or the metadata includes Ethernet header data.

In the same field of endeavor Macera et al disclose an internetworking system wherein the processing resource uses metadata (canonical headers, which may include Ethernet header data since Ethernet is a very well known and widely used networking standard), associated with each of the media channels to translate the network packets between the media channels (column 21 lines 63-65).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use metadata including Ethernet header data as disclosed by Macera et al in the system of Tofano in order to exchange information between various networks and various network formats.

Consider claims 16, and as applied to claim 14 above, Tofano discloses the claimed invention. However Tofano does not explicitly disclose access sing metadata associated with the network packets, where the metadata is associated with the media formats of the network packets.

In the same field of endeavor Macera et al disclose an internetworking system wherein metadata (canonical headers) associated with each of the media channels to translate the network packets between the media channels (column 21 lines 63-65).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use metadata as disclosed by Macera et al in the



system of Tofano in order to exchange information between various networks and various network formats.

Consider claims 17, and as applied to claim 14 above, Tofano discloses the claimed invention. However Tofano does not explicitly disclose that Ethernet header data is included within the metadata to translate a number of the network packets to an Ethernet format before translating a number of the network packets between the media formats.

In the same field of endeavor Macera et al disclose using metadata (canonical headers, which may include Ethernet header data since Ethernet is a very well known and widely used networking standard), in the translation of the networks packets to an internal packet format (column 21 lines 63-65). Macera et al do not explicitly disclose that the internal packet format is an Ethernet format, however given that Ethernet is a very well known and widely used networking standard, it would have been obvious to use Ethernet as the internal packet format.

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use metadata including Ethernet header data to translate a number of the network packets to an Ethernet format before translating a number of the network packets between the media formats as disclosed by Macera et al in the system of Tofano in order to exchange information between various networks and various network formats.

9. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tofano (United States Patent No.: US 6,625,169 B1) in view of Picazo, Jr. et al (United States Patent No.: 5,841,990).

Consider claim 7 and as applied to claim 6 above, Tofano discloses the claimed invention but does not specifically disclose using a translation table to bridge between the media channels.

In the same field of endeavor Picazo Jr. et al disclose using a translation table to bridge between the media channels Column 8 lines 13-18).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a translation table as disclosed by Picazo Jr. et al in the system of Tofano in order to perform the bridging function.

Consider claim 8 and as applied to claim 6 above Tofano discloses the claimed invention but does not specifically disclose that the processing resource and the network interfaces are implemented in at least one of a network router, a network switch, and a high-density server.

In the same field of endeavor, Picazo Jr. et al disclose an integrated bridge/router 34 (figure 1 and column 6 lines 62-64).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement the processing resource and the network interfaces that provide the bridging function in a network router as disclosed by Picazo

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Jr. et al in the system of Tofano in order to reduce expenses, simplify management and reduce the number of points of potential failures in the network.

10. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tofano (United States Patent No.: US 6,625,169 B1).

Consider claim 20 and as applied to claim 14 above Tofano clearly shows and discloses a virtual bridge application accessible to the processing resource to bridge between the media channels (a software program provides intelligent and transparent exchanges between different network formats, essentially providing a virtual bridge)(column 13 lines 27). However, Tofano does not explicitly disclose using Ethernet, but since Ethernet is a very well known and widely used networking standard, it would have been obvious to use Ethernet to translate between media formats.

### ***Conclusion***

11. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to German Viana Di Prisco whose telephone number is (571) 270-1781. The examiner can normally be reached on Monday through Friday 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ken Vanderpuye can be reached on (571) 272-3078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

German Viana Di Prisco  
August 16, 2007



KENNETH VANDERPUYE  
SUPERVISORY PATENT EXAMINER